

RICHARD E. WINNIE [68048]
County Counsel
DIANE C. GRAYDON [164095]
Deputy County Counsel
Office of the County Counsel County of Alameda
1221 Oak St., Suite 450
Oakland, CA 94612
Telephone: (510) 272-6700
Facsimile: (510) 272-5020

Attorneys for Defendant County of Alameda

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

WILLIAM J. WHITSITT

Case No.: C08-02139 JSW

Plaintiff,

vs.

DEFENDANT COUNTY OF ALAMEDA'S
REPLY TO PLAINTIFF'S OBJECTION AND
OPPOSITION TO MOTION TO DISMISS
PURSUANT TO FRCP 12(B)(6), OR
ALTERNATIVELY, MOTION FOR A MORE
DEFINITE STATEMENT AND MOTION TO
STRIKE

DEPUTY SHERIFF WHEATFALL, BADGE
#429; DEPUTY SHERIFF A. GARTH, BADGE
1340; UNNAMED POLICE OFFICER;
CENTRAL TOWING & TRANSPORT; COUNTY
OF ALAMEDA, SHERIFF'S DEPARTMENT;
CITY OF DUBLIN POLICE SERVICES;
UNNAMED DEFENDANTS

Date: August 29, 2008
Time: 9:00 a.m.
Courtroom: 2
Judge: Jeffrey S. White

Defendant.

COMES NOW Defendants DEPUTY SHERIFF WHEATFALL, BADGE #429; DEPUTY
SHERIFF A. GARTH, BADGE # 1340, CITY OF DUBLIN POLICE SERVICES, AND COUNTY
OF ALAMEDA, ("County Defendants") by and through the Office of County Counsel and in
accordance with the Order of this Court, hereby submits our Reply to Plaintiff WILLIAM J.
WHITSITT's, OBJECTION AND OPPOSITION TO MOTION TO DISMISS PURSUANT TO
FRCP 12(B)(6), OR ALTERNATIVELY, MOTION FOR A MORE DEFINITE STATEMENT,
("Opposition.")

Plaintiff WILLIAM WHITSITT ("Plaintiff") has brought four separate lawsuits, serving
three, for damages he says are arising out of the same series of events, to wit that he was

1 pulled over while driving his Dodge Powerwagon ("Vehicle") by Dublin Police Services, and
2 subsequently arrested for driving without a license. In connection with the arrest, the Vehicle
3 was towed.

4 Plaintiff's voluminous and scattered nontraditional filings allege that the arrest, towing,
5 and storage of the vehicle were wrongful under Plaintiff's implied understanding of the law.
6 Plaintiff's Opposition is non-responsive to the legal arguments raised in County Defendants'
7 Motion to Dismiss. Plaintiff has failed to provide a short plain statement of a claim upon which
8 relief may be granted. FRCP, rule 8(a)(2). Instead, the 34 page Opposition brief simply
9 restates unintelligible arguments flowing from Plaintiff's belief that he has an unalienable right
10 to drive without a license, as set forth in Plaintiff's Original Complaint. Thus, County
11 Defendants are unable to respond without undue prejudice. Therefore, this Court should grant
12 our Motion to Dismiss for failure to state a claim upon which relief can be granted.

13
14 DATED: *August 12, 2008*

RICHARD E. WINNIE
County Counsel in and for the County of
Alameda, State of California

15
16
17 By 

DIANE C. GRAYDON
Deputy County Counsel
Attorneys for Defendants

DECLARATION OF SERVICE

Whitsitt v. Wheatfall, et al.

Case No. C08-02139 JSW

I, Diseph Igoni, declare that:

I am a citizen of the United States, over the age of 18 years and not a party to the within entitled action. I am employed at the Office of the County Counsel, County of Alameda, 1221 Oak Street, Suite 450, Oakland, California 94612-4296.

On August 13, 2008, I served the following document:

**DEFENDANT COUNTY OF ALAMEDA'S REPLY TO PLAINTIFF'S OBJECTION AND
OPPOSITION TO MOTION TO DISMISS PURSUANT TO FRCP 12(B)(6), OR
ALTERNATIVELY, MOTION FOR A MORE DEFINITE STATEMENT AND MOTION TO
STRIKE**

on the following parties:

William J. Whitsitt
335 W. Clover Road
Tracy, CA 95376

☒ BY MAIL: I caused true and correct copies of the above document(s) to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) with postage thereon fully prepaid, and I further caused said envelope(s) to be placed in the United States mail, in the City of Oakland, California.

☐ BY FACSIMILE: I caused a copy (or copies) of such document(s) to be sent via facsimile transmission to the office(s) of the addressee(s).

☐ BY PERSONAL SERVICE: I caused true and correct copy (or copies) of the above document(s) to be placed and sealed in an envelope (or envelopes) addressed to the addressee(s) and I caused such envelope(s) to be delivered by hand on the office(s) of the addressee(s).

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Oakland, California on August 13, 2008.



DISEPH IGONI